

Marshall County Fiscal Court  
November 26, 2013

The Marshall County Fiscal Court met in regular session on Tuesday, November 26, 2013 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, & Misti Drew; County Attorney Jeff Edwards & Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Joe DiJulio, Area Director for Mediacom, addressed the Court regarding some complaints the Court members have been receiving about Mediacom's problems with outages in the cable system as well as high speed internet in October, which were due to fiber cuts. Mr. DiJulio explained the steps that the company has taken to help alleviate this problem including the installation of an additional fiber optic line which will create redundancy and allow the system the capability of rerouting itself. He added that they are always striving to do better for not only their residential customers, but their commercial customers as well. Mr. DiJulio added that in late December or early January, Mediacom will be offering TEVO and in the near future will be offering a home security system. Judge Miller has the contact information for Mr. DiJulio in case other issues come up. Mr. DiJulio said he will keep the Court informed of any new developments with Mediacom.

C. Bobby Gifford, Director of Water Vision 2020, submitted a drawdown request for KIA funds in the amount of \$4,784.44 (\$3,788.44 to Apex Engineering & \$996.00 to Collins Electric) for telemetry on the Oak Level Tank project. A motion was made by Com. Anderson and seconded by Com. Gold to approve the drawdown request. All voted aye. Motion carried.

Mr. Gifford updated the Court on the Sanitation District #1 upgrade. Judge Miller, Com. Gold, and Mr. Gifford met with the Commissioner of Parks regarding the usage by Kenlake State Park and increasing the amount paid by the Park from \$3,800 to \$4,984 per month. The contract has been approved and signed. Grant funds are also available for the upgrade from Delta Regional Authority – those funds will be used first.

D. Perry Blades, representing the Gilbertsville Neighborhood Watch Program, addressed the Court regarding the large number of abandoned mobile homes in Old Gilbertsville. One person owns approximately a dozen mobile homes and there has been no improvement to the properties which are not in abeyance with the county's Nuisance Ordinance. Sheriff Byars sent the notice to that effect and the property owner started to clean up the property but stopped. The Sheriff asked for clarification as to the amount of time given if clean up is started and stopped and if at that time, he is required to send another letter and begin the process again. Assistant County Attorney Jason Darnall reviewed the Ordinance. Mr. Darnall asked if the property owner has requested a hearing and the Sheriff replied that she has not. Judge Miller informed that some

time ago, there was an article in the newspaper that if anyone was interested in stripping the mobile homes, disposing of the remainder and making money – but no one responded that was willing to do so. Mr. Darnall informed that per the Ordinance, the property owner has a ten day period in which to appeal. Discussion was held about the possibility of putting funds in an account to pay for the cleanup and then placing a lien on the property or the possibility of using inmates to strip anything of value from the trailers to sell to help recoup some of the costs. The remainder of the mobile homes can be disposed of at LWD. Sheriff Byars asked Mr. Blades to get a clear address on the location of the mobile homes so he can send a letter to the property owner(s). Mr. Blades also asked for the Court's consideration of placing a green box station in Old Gilbertsville. He offered to donate the property. Com. Drew said it was her understanding that Kentucky Dam Village State Resort Park would donate fencing. Judge Miller said he had turned that request over to the Refuse Board to determine if funding is available in their budget. It would require an additional person to be hired to man the station.

II. CORRESPONDENCE:

A. Bill Morgan sent a note of appreciation for the Court's involvement and actions regarding the Brandon Family Burial site which was recently located during the construction of the Marshall County Children's Art Center. Mr. Morgan is a descendant of the Brandon Family.

B. The Marshall County Exceptional Center will have their annual Community Christmas Luncheon on Thursday, December 5<sup>th</sup> from noon until 1:00.

C. Clayton Clem, Vice President of Transmission Engineering, TVA, informed that TVA is planning a power system improvement project in Marshall County in October of 2014. TVA will be installing fiber optic overhead ground wire on about three miles of the existing Kentucky Hydro-South Calvert Switching Station 161-kV Transmission Line.

Judge Miller asked Wendy Baxter to update the Court on the application process form for the easement for Big Bear Park with TVA. Ms. Baxter informed that through research, it was determined that the park property is platted, but is not recorded in Marshall County. She has been in contact with the surveyor that TVA asked her to work with, but she is waiting to hear back from him. She added that the entire process has been confusing because the forms sent by TVA were not for an extension to the easement, but for a new easement and when she questioned Nick Morris with TVA, she was told those were the only forms available. Ms. Baxter will keep the Court informed.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the November 5, 2013 meeting. All voted aye. Motion carried.

B. Judge Miller informed that the Building & Electrical Inspection Agreement, which was discussed during the November 5<sup>th</sup> meeting, has been signed. Judge Miller read the agreement for the Court's consideration. A motion was made by Com. Gold and seconded by Com. Anderson to approve the agreement. All voted aye. Motion carried.

C. Clarification is needed before the proposed Animal Control Ordinance can be completed. A special meeting was scheduled for 8:30 a.m. on Monday, December 2<sup>nd</sup>.

D. Judge Miller informed that the cutoff time is today at 4:00 for applications for Marshall County Director of Emergency Management. Copies of the applications will be distributed to the Commissioners for their review.

IV. NEW BUSINESS:

A. Sheriff Byars submitted the Official Receipt for Property Tax Bills for 2013 limestone, sand & gravel property. The total tax collected was \$317.02. A motion was made by Com. Anderson and seconded by Com. Gold to accept the Official Receipt. All voted aye. Motion carried.

B. Don Hise's term as a member of the Marshall County-Calvert Riverport Authority Board expired June 30, 2013. Upon recommendation by Judge Miller, a motion was made by Com. Anderson and seconded by Com. Gold to reappoint Mr. Hise. All voted aye. Motion carried. (Mr. Hise's four year term will expire 6/30/2017.)

C. Judge Miller read the Animal Shelter report for October which is as follows: Animals in the pen as of 9/30/2013 – 56; brought in by Animal Wardens – 30; brought in by citizens – 86; total animals taken in – 116 (dogs – 44; cats – 37; puppies – 22; & kittens – 13); adopted – 98; animals in foster care – 0; reclaimed – 7; euthanized – 6; & animals in the pen (& in foster care) as of 10/31/2013 – 61; adoption fees - \$1,235.00. Judge Miller informed that he has been checking with other counties on salaries for their Animal Control Officers and they greatly vary. While checking he discovered that many of the counties do not pick up cats. He asked the Commissioners opinions of possibly not picking up cats over a two or three month period. Following discussion, the staff from the Animal Shelter will be invited to the meeting on Monday morning.

D. A motion was made by Com. Anderson and seconded by Com. Gold to approve an Intrafund Transfer of \$500,000 from the Occupational Administrator Fund to the Road Fund. All voted aye. Motion carried.

E. Com. Gold informed that the World Bow Fishing Tournament will be held in Marshall County on July 19, 2014.

F. A motion was made by Com. Anderson and seconded by Com. Gold to approve payment of the bills. All voted aye. Motion carried.

G. Judge Miller informed that Gary Teckenbrock had radiation seeds implanted and is beginning treatment for prostate cancer. He asked that everyone keep him in their prayers.

H. Judge Miller reported that Rick Long, with the Kentucky Division of Rural & Municipal Aid, has had a setback and his cancer has returned. Mr. Long is a friend to many and a card was passed around for signatures.

I. The Marshall County A & I Fair's First Annual "Ugly" Christmas Sweater Walk and light preview was held on Saturday at the county park and was a success.

J. A motion was made by Com. Anderson and seconded by Com. Gold to adjourn. All voted aye. Motion carried.

Respectfully submitted by:

Melonie Chambers  
Fiscal Court Clerk